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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,003	09/25/2003	Pertti Kontio	944-005.020	4539
4955	7590	01/24/2006	EXAMINER	
WARE FRESSOLA VAN DER SLUYS & ADOLPHSON, LLP BRADFORD GREEN BUILDING 5 755 MAIN STREET, P O BOX 224 MONROE, CT 06468			ROSWELL, MICHAEL	
			ART UNIT	PAPER NUMBER
			2173	
DATE MAILED: 01/24/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/671,003	KONTIO, PERTTI	
	<b>Examiner</b>	<b>Art Unit</b>	
	Michael Roswell	2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 10 November 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,3-7,9-13 and 15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-7,9-13 and 15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### DETAILED ACTION

This Office Action is in response to the Request for Continued Examination filed 10 November 2005.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,3-7,9-13 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,664,991 to Chew et al. (hereinafter Chew) and U.S. Patent No. 5,995,101 to Clark et al. (hereinafter Clark).

Referring to claims 1, 7, and 13, Chew teaches a series of operational steps expressible in computer codes for an electronic device capable of carrying out commands for a method of interacting with an icon displayed on a touch screen in an electronic device (i.e. hand-held computing device; col. 1, lines 27-30), the electronic device capable of carrying a command (input function) and further capable of providing a message (i.e. context menu or tool tip) associated with the command (col. 3, lines 33-67), wherein the input function is displayed at a designated area (designated coordinates; col. 3, lines 41-44) of the screen so as to allow a user to interact with the input function by using a physical object (stylus), said method comprising the steps of:

contacting the screen at the designated area by the physical object (press); and

keeping the physical object at the designated area longer than a selected time to cause the electronic device to provide the message (and hold gesture). See col. 1, lines 56 – col. 2, line 9.

Chew also describes that the user may remove the stylus before the selected time has expired, such that the context menu is not displayed, and that this stylus up event is dispatched to the parent application. See col. 7, lines 1-8. Chew describes that tapping (i.e. stylus down followed by stylus up event) may cause selection of an entry.

Chew does not explicitly mention that the input function is a command symbolized by an icon or that the stylus up event before the expiration of the selected time causes the command to be executed.

However, Clark teaches that tool tips are commonly associated with icons and that when a user selects the icon with a pointing device, the command associated with the icon is carried out. See col. 1, lines 10-40.

It would have been obvious to one of ordinary skill in the art to provide the executable icons of Clark within the hand-held computing device of Chew such that icons represent executable input functions in Chew, in order to represent input functions with graphical images as supported in Clark.

Furthermore, Chew and Clark teach removing the physical object from the screen after the message is displayed to cause the electronic device to carry out the command (i.e. Clark teaches selecting the icon at any time invokes the associated function; col. 1, lines 26-28), or

moving the physical object off the desired area while keeping the physical object substantially on the screen after displaying the message to end the message (Chew at col. 4, lines 7-9).

The Examiner would also like to note that the term “keeping the physical object substantially on the screen”, as recited in the claims, is not analogous to “keeping the physical object on the screen”, and as such is open to the further interpretation that the user may lift up the physical object off the screen and replace it off of the designated area to end the message, as can be seen in Chew, col. 4, lines 27-35.

Referring to claims 3, 9, and 15, Chew and Clark teach removing the physical object from the screen after ending the display of the message (i.e. stylus up event); or

moving the physical object to a further designated area after ending the display of the message for causing the electronic device to provide a message associated with the further designated area (i.e. each hold over an icon causes the associated context menu or tool tip to be displayed). See Chew at Fig. 3, 300, which shows other selectable areas, and Clark at Fig. 1, which shows several icons with related tool tips.

Referring to claims 4 and 10, Chew and Clark teach removing the physical object from the screen after moving the further object to a further designated area to cause the electronic device to carry out a command associated with the further designated area (i.e. Clark teaches selecting an icon at any time invokes the associated function; col. 1, lines 26-28).

Referring to claims 5-6 and 11, the provided message of Chew and Clark comprises a text message (text bubble) that is displayed on the screen (i.e. Chew at Fig. 4, 400).

Referring to claim 12, Chew does not explicitly teach that the message may be in an audible form from an audio device. However, Clark teaches that tool tips may be presented as audio (col. 2, lines 1-9). It would have been obvious to one of ordinary skill in the art to provide the tool tip of Chew in a audible format as described by Clark in order to tailor the tool tip to the user's needs as supported by Clark, especially for the small screen device of Chew.

### ***Response to Arguments***

Applicant's arguments filed 10 November 2005 have been fully considered but they are not persuasive. In response to Applicant's arguments concerning newly amended claims 1, 7, and 13, the Examiner respectfully disagrees. Applicant argues that Chew fails to disclose the step of "moving the physical object off the designated area while keeping the physical object substantially on the screen in order to end the message", further stating that in a touch screen commonly found on a PDA, similar to the electronic device of Chew, due to the nature of the electronic signals used to activate or select items, step 3 would be lacking. However, Chew clearly discloses time-based input, by way of a short-interval input ("tapping", at col. 7, lines 1-8), and a long-interval input ("tap and hold", at col. 7, lines 9-14). This demonstrates that both steps 2 and 3 are available in the touch screen interface of Chew, contrary to Applicant's argument of page 7. The Examiner further maintains that Chew teaches moving the physical object off the desired area while keeping the physical object substantially on the screen after displaying the message to end the message, by way of "touching" the a stylus outside of the context menu area through a dragging operation.

The Examiner would also like to note that claims 1,3-7,9-13 and 15 are currently pending in the application, not claims 1-15 as indicated in the first line of the Remarks section by Applicant.

### ***Conclusion***

Please note that the Examiner of record has changed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Roswell whose telephone number is (571) 272-4055. The examiner can normally be reached on 8:30 - 6:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (571) 272-4048. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael Roswell  
1/19/2006



CAO (KEVIN) NGUYEN  
PRIMARY EXAMINER